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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,909	07/24/2003	Marco Stura	59643.00294	1209

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EXAMINER
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LEE, JUSTIN YE

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/625,909

Applicant(s)

STURA ET AL.

Examiner

Justin Y. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d)'or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 and 8-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gemmer (US Patent Application Publication 2004/0022233 A1) in view of the Admitted Prior Art (in general paragraphs 0002-0015 of the present disclosure under the Background of the Invention; in particular as cited below) and further in view of Ahuja (US 5,752,185).

Regarding claim 1, Gemmer teaches a telecommunications terminal that is part of a telecommunications system (paragraphs 0001-0002). Gemmer further teaches ISDN and Centrex networks (paragraphs 0003 and 0016-0020) of which the telecommunications terminal and/or the telecommunications system can be part of. Therefore, Gemmer discloses user equipment associated with a first access network and a second network. The networks could also be DECT and/or GSM (paragraph 0019). Gemmer's telecommunications system, ISDN, Centrex, DECT and/or GSM networks interchangeably read on claim language as claimed.

Gemmer discloses a method (e.g. page 2, right column), comprising establishing a communication session (e.g. call) between a user equipment associated with a first access network, and a node of a communication system via a second network and at

least one entity of said communication system between said user equipment and said node;

putting the session on hold ("the connection to the second connection 03) and the call arriving at the first connection (A) are held" - page 2, claim 1, lines 7-8; also page 1, paragraph 0003, lines 11-12);

reserving resources for said session while said session is on hold (resources are reserved because the connection with B is held by the switching center VER while a connection between A and C progresses) ("In order to make it possible to resume the connection to the connection B at some later time, this connection can be held by the switching center VER." - page 2, paragraph 0021, lines 8-10); and

Gemmer clearly suggests that the networks could also be DECT and/or GSM (paragraph 0019). One of ordinary skill in the art would easily recognize that Gemmer's telecommunications system, ISDN, Centrex, DECT and/or GSM networks are different as claimed. Thus, Gemmer's telecommunications system, ISDN, Centrex, DECT and/or GSM networks interchangeably read on claim language as claimed.

Further, Gemmer suggests that the system can be GSM (page 2, paragraph 0019, line 5). Nevertheless, Gemmer fails to specifically disclose that the message distributes an access network charging identifier (for charging purposes) as defined by applicant.

The prior art admitted by applicant (simply "Admitted Prior Art") disclosed on page 4, paragraph 0013 of the present disclosure under the Background of the Invention section and paragraphs 0039-0040 teaches that GPRS (a particular GSM

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service) typically requires a GGSN entity, a P-CSCF (PDF) entity, a GPRS charging identifier (GCID) sent from the GGSN to the P- CSCF (PDF) typically using COPS to enable charging. GPRS is a particular GSM service. GSM is 3G. Therefore, combinable with Gemmer's teachings given that Gemmer teaches that the system can be GSM (page 2, paragraph 0019, line 5 of Gemmer).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to enable Gemmer's invention with a charging identifier or vector as required by GPRS because GPRS is a particular GSM service and Gemmer teaches that the system can be GSM; therefore, these would be particular requirement of a particular system as choice of engineering design.

Gemmer and Admitted Prior Art do not teach resuming said session with a message by which an access network charging identifier is distributed within the second network.

Ahuja further teach resuming said session with a message by which an access network charging identifier is distributed within the second network (col. 4, lines 26-32, a billing system 55 within network 104 resumes charging when a call resume message is received).

Therefor, it world have been obvious to a person ordinary skill in the art at the time the invention was made to utilize the teachings of Ahuja into the teachings of Gemmer and Admitted Prior Art for the purposes of restoring the wireless/call section (col. 1, lines 34-35).

Regarding claim 2, Gemmer discloses everything as applied above (see claim 1). Gemmer further suggests that the system can be GSM (page 2, paragraph 0019, line 5).

Nevertheless, Gemmer fails to specifically disclose determining if charging information is provided during the establishment of said session and carrying out the putting of the session on hold to the resuming of said session only when it has been determined that the charging information has not been provided.

The prior art admitted by applicant (simply "Admitted Prior Art") disclosed on page 5, paragraph 0015 of the present disclosure under the Background of the Invention section teaches that release 6 for third generation standard (3G) typically requires charging information not to be provided for a communication session. Consequently, there is no need to distribute charging information because it is not provided under 3G release 6. It should be noted that GSM is 3G.

For that reason, Gemmer's invention would be constructively enhanced and would positively benefit from 3G release 6 requirements.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to determining if charging information is provided during the establishment of said session and carrying out steps b) to d) only when it has been determined that the charging information has not been provided in Gemmer in order to comply with release 6 for third generation standard as Gemmer's invention would be constructively enhanced and would positively benefit from 3G release 6 requirements.

Regarding claim 3, Gemmer teaches a telecommunications terminal that is part of a telecommunications system (paragraphs 0001-0002). Gemmer further teaches ISDN and Centrex networks (paragraphs 0003 and 0016-0020) of which the telecommunications terminal and/or the telecommunications system can be part of. Therefore, Gemmer discloses user equipment associated with a first access network and a second network. The networks could also be DECT and/or GSM (paragraph 0019). Gemmer's telecommunications system, ISDN, Centrex, DECT and/or GSM networks interchangeably read on claim language as claimed.

Gemmer discloses a method (e.g. page 2, right column) for modifying an existing communication session (e.g. call) between user equipment associated with a first access network a node of a communication system via a second network and at least one entity of said communication system between said user equipment and said node; the method comprising the steps of:

putting the session on hold ("the connection to the second connection (B) and the call arriving at the first connection (A) are held" - page 2, claim 1, lines 7-8; also page 1, paragraph 0003, lines 11-12);

reserving resources for the modified session while said session is on hold (resources are reserved because the connection with B is held by the switching center VER while a connection between A and C progresses) ("In order to make it possible to

resume the connection to the connection B at some later time, this connection can be held by the switching center VER." - page 2, paragraph 0021, lines 8-10); and

Gemmer clearly suggests that the networks could also be DECT and/or GSM (paragraph 0019). One of ordinary skill in the art would easily recognize that Gemmer's telecommunications system, ISDN, Centrex, DECT and/or GSM networks are different as claimed. Thus, Gemmer's telecommunications system, ISDN, Centrex, DECT and/or GSM networks interchangeably read on claim language as claimed.

Further, Gemmer suggests that the system can be GSM (page 2, paragraph 0019, line 5).

Nevertheless, Gemmer fails to specifically disclose that the message distributes an access network charging identifier (for charging purposes) as defined by applicant.

The prior art admitted by applicant (simply "Admitted Prior Art") disclosed on page 4, paragraph 0013 of the present disclosure under the Background of the Invention section and paragraphs 0039-0040 teaches that GPRS (a particular GSM service) typically requires a GGSN entity, a P-CSCF (PDF) entity, a GPRS charging identifier (GCID) sent from the GGSN to the P- CSCF (PDF) typically using COPS to enable charging. GPRS is a particular GSM service. GSM is 3G. Therefore, combinable with Gemmer's teachings given that Gemmer teaches that the system can be GSM (page 2, paragraph 0019, line 5 of Gemmer).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to enable Gemmer's invention with a charging identifier or vector as required by GPRS because GPRS is a particular GSM service and

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Gemmer teaches that the system can be GSM; therefore, these would be particular requirement of a particular system as choice of engineering design.

Gemmer and Admitted Prior Art do not teach resuming said session with a message by which an access network charging identifier is distributed within the second network.

Ahuja further teach resuming said session with a message by which an access network charging identifier is distributed within the second network (col. 4, lines 26-32, a billing system 55 within network 104 resumes charging when a call resume message is received).

Therefor, it world have been obvious to a person ordinary skill in the art at the time the invention was made to utilize the teachings of Ahuja into the teachings of Gemmer and Admitted Prior Art for the purposes of restoring the wireless/call section (col. 1, lines 34-35).

Regarding claim 4, Gemmer discloses everything as applied above (see claim 3). Gemmer further suggests that the system can be GSM (page 2, paragraph 0019, line 5).

Nevertheless, Gemmer fails to specifically disclose determining if charging information is provided during the establishment of said session and carrying out the putting of the session on hold to the resuming of said session only when it has been determined that the charging information has not been provided.

The prior art admitted by applicant (simply "Admitted Prior Art") disclosed on page 5, paragraph 0015 of the present disclosure under the Background of the Invention section teaches that release 6 for third generation standard (3G) typically requires charging information not to be provided for a communication session. Consequently, there is no need to distribute charging information because it is not provided under 3G release 6. It should be noted that GSM is 3G.

For that reason, Gemmer's invention would be constructively enhanced and would positively benefit from 3G release 6 requirements.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to determining if charging information is provided during the establishment of said session and carrying out steps b) to d) only when it has been determined that the charging information has not been provided in Gemmer in order to comply with release 6 for third generation standard as Gemmer's invention would be constructively enhanced and would positively benefit from 3G release 6 requirements.

Regarding claims 5-6, Gemmer discloses everything as applied above (see claim 1).

Gemmer further suggests that the system can be GSM (page 2, paragraph 0019, line 5).

Nevertheless, Gemmer fails to specifically disclose using SIP for the session as claimed.

The prior art admitted by applicant (simply "Admitted Prior Art") disclosed on pages 2-3, paragraphs 0008-0009 of the present disclosure under the Background of the Invention section teaches that SIP is typically required by newer releases for third generation standard (3G). SIP enables two-way telephone calls as well as multi-way conference sessions. It should be noted that Gemmer's GSM is 3G and that Gemmer's session/call is at least a two-way telephone call.

UMTS is based on GSM and is 3G. It implements SIP as claimed (see paragraphs 0008- 0009 of Admitted Prior Art).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to enable Gemmer's invention with SIP in order to comply with newer releases for 3G as it would be a particular requirement of a particular system.

Regarding claims 8-18, Gemmer discloses everything as applied above (see claim 1).

However, Gemmer fails to specifically disclose GCID, a P-charging vector, a GGSN entity, a P- CSCF entity, a PDF function, COPS messages, and a user agent server as defined by applicant.

The prior art admitted by applicant (simply "Admitted Prior Art") disclosed on page 4, paragraph 0013 of the present disclosure under the Background of the Invention section and paragraphs 0039-0040 teaches that GPRS typically requires a GGSN entity, a P-CSCF (PDF) entity, a GPRS charging identifier (GCID) sent from the

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GGSN to the P-CSCF (PDF) typically using COPS to enable charging. GPRS is a particular GSM service. GSM is 3G. Therefore, combinable with Gemmer's teachings given that Gemmer teaches that the system can be GSM (page 2, paragraph 0019, line 5 of Gemmer). A user agent server as claimed is a particular requirement of 3G release 5 (see paragraph 0014 of the Admitted Prior Art).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to enable Gemmer's invention with a charging identifier or vector, GCID or ICID, a P-charging vector, a GGSN entity, a P-CSCF entity, a PDF function, COPS messages, and a user agent server as required by GPRS because GPRS is a particular GSM service and Gemmer teaches that the system can be GSM; therefore, these would be particular requirement of a particular system as choice of engineering design.

However, Gemmer fails to specifically disclose a user agent server as claimed. Such is a particular requirement of 3G release 5 (see paragraph 0014 of the Admitted Prior Art)

Regarding claim 19, Gemmer and the Admitted Prior Art disclose everything as applied above (see claim 5). In addition, the Admitted Prior Art discloses charging information is sent in an INVITE message as claimed (via UPDATE message; paragraphs 0013-0014).

Regarding claim 20, Gemmer discloses everything as applied above (see claim 1). In addition, the establishing step comprises establishing a session wherein said node comprises user equipment 03 or TEB) (see citations above).

3. As to claims 21, 23, 25, 27, and 31, being corresponding claims to method claim 1; they are rejected for the same reasons explained above.

4. As to claims 22, 24, 26, 28, 29, 30, and 32, being corresponding claims to method claim 3; they are rejected for the same reasons explained above.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Y. Lee whose telephone number is (571) 272-5258. The examiner can normally be reached on M - F 8:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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